

**REDACTED VERSION
PURSUANT TO 35-A M.R.S.A. § 704(5)**

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-144

March 13, 2001

APPEAL OF CONSUMER
ASSISTANCE DIVISION DECISION
#2001-9685 Regarding Central
Maine Power Company

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we uphold the Consumer Assistance Division (CAD) decision of February 20, 2001 related to seven accounts of CMP customer **[customer]**. **[Customer]** should contact the CAD via its toll-free number if he would like to establish a payment arrangement, as described in this Order. Otherwise, CMP is authorized to proceed with its regular collection practices.

II. BACKGROUND

On February 6, 2001, **[customer]** complained to CAD that he was unable to prevent disconnection of seven dwelling units he owns that are served by CMP. **[Customer]** lives in one of the units. **[Customer's]** communications with CAD (mostly by e-mail) indicated that he desired to defer payments on these accounts until a pending lawsuit, **[State v. Individual]**, was settled. One of his e-mails indicated he would be willing to pay \$10 per week or per month (it was unclear which was being offered). **[Customer]** was unwilling to discuss any arrangement over the phone. The CAD specialist interpreted his position from the e-mails to be that he continued to desire to make no payments until the lawsuit was settled. As of February 16, 2001, **[customer]** owed CMP \$1,837.32 on the seven accounts with the last payments made in either October or December 2000. Therefore, the CAD issued its decision on February 20, 2001, stating, given the information **[customer]** provided, it was unable to establish a payment arrangement on his behalf. The decision allowed CMP to continue its routine collection practices.

[Customer] appealed CAD's decision to the Commission. He disputes the factual and legal conclusions in the decision and claims he offered to enter into a payment arrangement of \$10 per month/per account.

III. DECISION

We find the CAD reasonably interpreted **[customer's]** e-mails in concluding that it was unable to establish a payment arrangement. In **[customer's]** appeal, he disputes that he was unwilling to enter a payment arrangement and instead claims he is willing to pay \$10 per month per account. As explained in CAD's decision, the Commission's

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rules require a utility to provide service to a customer who cannot pay the entire balance in full if the customer: 1) pays a reasonable portion of the outstanding bill; 2) agrees to pay the outstanding balance in reasonable installments; and 3) agrees to pay future bills as they come due. **[Customer's]** offer in his appeal of \$10 per month does not meet these requirements. A customer must agree to keep current on all going forward bills in addition to paying an amount toward the past due amount. Generally, the arrangement is set up to pay off past due amounts before the following November.

The Commission cannot require CMP to defer collection activities pending a lawsuit. If **[customer]** is willing to enter into a payment arrangement that meets the above requirements he should call CAD at 1-800- 452-4699 by April 20, 2001. Communications should be via our toll free number to avoid the confusion and delays caused by e-mail. If an arrangement is not established by that date, CMP is authorized to proceed with its regular collection procedures.

Dated at Augusta, Maine, this 13th day of March, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

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NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.